

Third Account Current and Report of Conservator and Petition for Its Settlement

Age: 76 years DOB: 11/16/1936		FRANCES KENNEDY , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/18/2013. As of 7/17/2013 the following issues remain: <ol style="list-style-type: none"> 1. This conservatorship owes filing fees in the amount of \$355.00 for the filing of the 2nd account (fee waiver was denied). 2. This conservatorship owes court investigations fees totaling \$2,339.00 3. Need Notice of Hearing. 4. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Minerva Clover (conservatee) b. Curtis Rindlisbacher (attorney for conservatee) 5. Need Care Facility statements pursuant to Probate Code §2620(c)(5) 6. Need bank statements pursuant to Probate Code §2620(c)(2). 7. Receipt schedule includes deposits but does not state the source of the deposits. 8. Petition states the conservatee's home has been rented during this account period. Receipt schedule does not include any rental income. 9. Disbursement schedule does not show any disbursements for the bond premium. Court may require clarification.
Cont. from 061813		Account period: 7/1/2010 – 12/31/2012 Accounting - \$256,412.82 Beginning POH- \$152,807.00 Ending POH - \$153,815.66 Current bond is \$10,000.00 Conservator - waives Attorney - to be paid outside of the conservatorship.	
<input type="checkbox"/> Aff.Sub.Wit.		Petitioner prays for an Order: <ol style="list-style-type: none"> 1. That the Third Account and Report be approved and settled; 2. The acts of Conservator as shown in the account and report be approved. 	
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 2620(c)	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: KT
			Reviewed on: 7/17/13
			Updates:
			Recommendation:
			File 1 - Clover

Note: If the petition is granted, status hearings will be set as follows:

- **Friday, February 27, 2015** at 9:00 a.m. in Department 303, for the filing of the fourth account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

First Annual Account and Report of Trustee, Petition for Its Settlement, and for Allowance of Attorneys' Fees, Costs, and Trustee's Fees; Declaration of Trustee Re: Services Rendered to Trust During First Accounting Period [Prob. C. 15680, 15681, 16062, 16063, 16243, 16247; C.R.C. 7.776, 73901, 7.902]

		NATALIE C. ORTEGA SULLIVAN , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 11/5/11 – 13/31/12	
Cont. from		Accounting - \$710,127.29	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$655,754.00	
<input checked="" type="checkbox"/>	Verified	Ending - \$658,575.09	
<input type="checkbox"/>	Inventory	Trustee - \$6,000.00 (per itemization for 191.9 hours. Note: hourly rated not stated but works out to \$31.27 per hour.)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$6,016.77 (per itemization and declaration for trust administration and two unlawful detainer actions.)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Petitioner states on 10/13/10, the Court levied a surcharge against Rachel Dominguez, former co-trustee, in the amount of \$330,612.28. Trustee is not aware of any assets with which Rachel Dominguez could satisfy the surcharge, except that she is a beneficiary under the trust and the Trustee's plan is to apply that share as a credit against the surcharge when that day comes on the death of the income beneficiary, Eddie Ortega.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	On 6/22/12, the attorney obtained a Judgment-Unlawful Detainer for the Trust against Rachel Dominguez in the amount of \$4,965.00. The attorneys' fees and costs in this action have been paid in full. It is the Trustee's plan to apply Rachel's share of the Trust as a credit against the judgment when that day comes on the death of the income beneficiary, Eddie Ortega.	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Please see additional page			Reviewed by: KT Reviewed on: 7/28/2013 Updates: Recommendation: File 2 – Ortega

Petitioner prays for an Order:

1. That the First Annual Report of the Trustee be settled, allowed and approved as filed;
2. That all acts and proceedings of the petitioner, as the Trustee, as set forth in the report, be confirmed and approved;
3. That the attorney's fees, paralegal fees, and costs for services rendered by Quinlan, Kershaw & Fanucchi, L.L.P. to the trust since February 3, 2011, and payments from the Trust to them be approved;
4. That Petitioner be authorized and directed to pay herself \$6,000.00 as reasonable compensation for services as Trustee as such time as the Trust estate has sufficient funds;
5. That Petitioner be authorized and directed to apply a credit toward the \$330,612.28 surcharged levied by the Court on 10/13/2010, against Rachel Dominguez for her share of the Trust, and a credit for the \$4,965.00 Judgment – Unlawful Detainer as such time as distribution of the Trust is made upon the death of the beneficiary Eddie Ortega.

Third Account and Status Report of Executor and Petition for (1) Approval of Third
Account and Report; and (2) Authorization to Continue Estate Administration

DOD: 4-13-10		JOCHIM VOSS , Executor with Full IAEA and bond of \$300,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 5-1-12 through 2-28-13 Accounting: \$ 936,018.88 Beginning POH: \$ 930,126.24 Ending POH: \$ 89,760.51 (cash)	
	Aff.Sub.Wit.	Petitioner states: <ul style="list-style-type: none">Petitioner complied with the Court's July 2012 and August 2012 orders and made payments/disbursements as described in the petition.The decedent owned property in Oregon that is subject to ancillary probate in Wallowa County.A refund of \$317 plus \$27.06 interest was received from Oregon inheritance tax return.Petitioner is informed and believes that all of the decedent's individual income tax matters have been resolved with the IRS.Fiduciary income tax returns for the estate's elected fiscal years ending 2-28-11, 2012, and 2013 were filed and no taxes are due. 2014 taxes are not due until 6-15-14.	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202	Petitioner states the estate is not ready to be closed because the Oregon ancillary probate is not ready to be distributed to the California probate. Therefore, Petitioner requests authority to continue administration of this estate at least through November 2014. See petition for details.	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	Petitioner prays for an order: <ol style="list-style-type: none">Settling, allowing and approving this 3rd account;Confirming, ratifying and approving all acts and proceedings of Petitioner as Executor as disclosed herein;Granting extension of time to complete administration fo this estate to allow collection of the property of the Oregon Ancillary Probate until at least December 31, 2014, and if the estate does not appear ready to close at that time, Petitioner shall file additional status report before that date describing and requesting any extensions necessary; andFor such other orders as the Court may deem proper.	Reviewed by: skc Reviewed on: 7-18-13 Updates: Recommendation: File 3A – Fujisaka

Petition for Settlement of First and Final Account and Report of Trustee; for Final Distribution of Trust; and for Conveyance of Property Claimed to Belong to Another [Prob. C. 850(a)(3)(A), 16062, 17200(b)(4)(5)(9)]

			BRUCE D. BICKEL , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need order.
			Account period: 5-24-12 through 5-24-13	
			Accounting: \$364,045.24	
			Beginning POH: \$362,023.19	
			Ending POH: \$204,037.02 (cash)	
	Aff.Sub.Wit.		Trustee: \$29,988.13 (received by trustee to date for services described)	
✓	Verified		Reserve: \$7,400.00	
	Inventory		Petitioner states certain real property in Hanford was sold to Herb Gillio and the purchase priced received by the decedent prior to his death. As a result, the specific gift of the real property (to Church of Christ, Selma, and Herb Gillio, has been extinguished, and adeemed under the trust. Mr. Gillio has filed a declaration in support of this petition.	
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

(1) First and Final Account and Report of Status of Administration and Petition for Settlement Thereof; (2) for Allowance of Statutory Compensation and Reimbursement of Costs for the Personal Representative and Its Attorney; and (3) for Final Distribution [Prob. C. 1060, et seq., 10800, 10810, & 12201]

DOD: 12/11/11		CALIFORNIA BAPTIST FOUNDATION , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting period: 12/11/11 – 05/31/13	<p>Note: The Order appears to contain a typographical error in the dollar amount of distribution. Examiner calculates the distribution to be \$359,725.87 rather than \$359,727.87. The Examiner has interlineated the Order to reflect the correct distribution amount.</p>
Cont. from		Accounting - \$371,449.77	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$323,752.70	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$370,225.87	
<input checked="" type="checkbox"/>	Inventory	Executor - \$5,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$5,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Closing - \$500.00	
<input type="checkbox"/>	Pers.Serv.	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/>	Conf. Screen	California Baptist Foundation as Trustee of the McNabb 1998 Revocable Living Trust, as Amended and Restated July 20, 2010 - \$359,727.87.	
<input type="checkbox"/>	Letters	11/05/12	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 07/18/13
			Updates:
			Recommendation: SUBMITTED
			File 5 – McNabb

Age: 2		TEMP EXTENDED TO 7-23-13	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Page 6C is competing petition filed 5-20-13 by Paternal Grandfather Sebastian Gomez. 1. Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) was served by the attorney on 7-12-13. <u>Therefore, continuance for at least 60 days is necessary to ensure appropriate notice pursuant to ICWA.</u>
Cont. from 052013		MONICA CHRISTINA ROSAS , Maternal Aunt, is Petitioner.	
	Aff.Sub.Wit.	Father: ROBERT GILBERT GOMEZ - Personally served 3-23-13	
✓	Verified	Mother: SHARYN ELIZONDO - Consents and waives notice	
	Inventory		
	PTC		
	Not.Cred.	Paternal Grandfather: Sebastian Gilbert Gomez - Personally served 5-1-13	
✓	Notice of Hrg	Paternal Grandmother: Deceased	
	Aff.Mail	Maternal Grandfather: Richard Elizondo - Consents and waives notice	
	Aff.Pub.	Maternal Grandmother: Deceased	
	Sp.Ntc.		
✓	Pers.Serv.	Petitioner states both parents are unsuitable to care for the minor. Both have criminal histories and Petitioner believes the father continues to use illegal drugs. Petitioner states the father has sole custody and the mother has supervised visits, however, on 2-16-13, the father went to stay with the mother because he did not have a place to stay, and on 2-19-13, left the minor unsupervised with the mother. The mother, fearing she would be in trouble for having been left alone with the baby, reported herself to CPS. CPS came to the home and determined that the father had abandoned the minor, and placed the minor in Petitioner's care. Later, the father broke into the mother's home and stole several items, which were found on him later by law enforcement (police report attached). He was arrested.	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 7-17-13
✓	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice	Court Investigator Samantha Henson filed a report on 5-14-13.	File 6A – Gomez

6A

		NEEDS/PROBLEMS/COMMENTS: <ul style="list-style-type: none"> CONFIDENTIAL
Cont. from 052013		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: skc
		Reviewed on: 7-17-13
		Updates:
		Recommendation:
		File 6B – Gomez

6B

6C
Atty
Atty

Linda Aryn Gomez (GUARD/P)

Xiong-Vang, Jamie (for Monica Christina Rosas – Maternal Aunt – Petitioner)

Avila, Ralph (for Sebastian Gilbert Gomez – Paternal Grandfather – Competing Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Case No. 13CEPR00221

Age: 3	TEMP DENIED 5-20-13	NEEDS/PROBLEMS/COMMENTS: 1. If this petition goes forward, need ICWA notice to appropriate agencies and tribe per law.
DOB: 6-22-10		
	SEBASTIAN GILBERT GOMEZ , Maternal Aunt, is Petitioner.	
	Father: ROBERT GILBERT GOMEZ - Nominates, consents and waives notice Mother: SHARYN ELIZONDO	
	Paternal Grandmother: Deceased Maternal Grandfather: Richard Elizondo Maternal Grandmother: Deceased	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states the father was given custody in Family Law Court. Mother made false report in order to take the child from his custody. Child needs to be protected from their mother's family members. Petitioner states: Mother father has been doing sex act with my granddaughter.	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	Court Investigator Samantha Henson filed a report on 7-16-13. The report states that Mr. Gomez was told by his son that the minor said that she was touched by the maternal grandfather, but a doctor could not determine if she was molested. Mr. Gomez reported that he believes the current guardian takes pills, and will let the child visit with the maternal grandfather.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	The Investigator spoke with the current temporary guardian, maternal aunt Monica Rosas. Ms. Rosas denied Mr. Gomez' allegations about her father, and states that her father (the maternal grandfather) has a Civil Harassment Restraining Order against Mr. Gomez in 13CECG0702. Ms. Rosas states Mr. Gomez has not requested any visitation with Linda, and does not feel he would be an appropriate guardian because he moves frequently.	Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 7-17-13
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice	The minor has been residing with Ms. Rosas for several months, and while Mr. Gomez has made allegations of sexual abuse by the maternal grandfather, there is no evidence to support the allegations. It is recommended that Ms. Rosas' petition (Page 6A) be granted, and that Mr. Gomez' petition (Page 6B) be denied.	File 6C – Gomez

6C

Age: 8/17/2012		EDWARD SIMPSON , brother, is petitioner and requests appointment as Administrator. Petitioner was appointed special administrator for the sole purpose of speaking with the insurance company. Letters of Special Administration expire on 6/4/13. Full IAEA – o.k. Decedent died intestate. Residence: Reedley Publication: Fresno Business Journal Estimated value of the estate: Personal property - \$1,000,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Petition does not address bond. The decedent sole heir is his minor son. Therefore, bond should be set at \$1,000,000.00. 2. Need Notice of Petition to Administer the Estate. 3. Need proof of service of the Notice of Petition to Administer the estate on: a. Karter Simpson, minor son b. The person or persons having legal custody of Karter Simpson. 4. Need Letters	
Cont. from 060413				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			X
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			X
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 7/17/13				
Updates:				
Recommendation:				
File 7 – Simpson				

8A
Atty
Atty

Elizabeth A. McCann (Estate)

Burnside, Leigh W. (for John P. McCann and Colleen E. Dempsey – Petitioners)

Judd, Darin T. (of Thompson, Welch, Soroko & Gilbert, LLP, San Rafael, CA, for

Daniel T. McCann, Objector)

Case No. 13CEPR00437

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 8-7-10		JOHN P. MCCANN and COLLEEN E. DEMPSEY , two of the three named co-executors, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 6-27-13: Mr. McFarlane will file brief by 7-19-13 regarding issues. Ms. Burnside will file response by 7-31-13. Continued to 7-23-13 at 9:00 am, set on 7-23-13 at 9:00 am for status. (Page 8B).</u> 1. Need authority for Fresno Superior Court as appropriate venue for probate and administration of this Decedent's estate, as there does not appear to be any property subject to administration here, and this is not a request for ancillary probate. See Probate Code §§ 7052 (including commentary), and 12510. The Decedent was a resident of Katy, Harris County, Texas, and Petitioners do not allege that the Decedent owned any property here. Rather, Petitioners allege that monies taken by Daniel J. McCann that are the subject of other ongoing litigation here <u>may</u> belong to the estate. Examiner notes that Daniel McCann is a resident of Quechee, Vermont. <u>If this matter goes forward here:</u> <u>SEE ADDITIONAL PAGES</u>
		Petitioner John P. McCann is a resident of Clovis, CA.	
Cont. from 062713		Petitioner Colleen E. Dempsey is a resident of Katy, TX.	
✓	Aff.Sub.Wit.	Full IAEA – ok	
✓	Verified	Will dated 11-19-08	
	Inventory	Residence: Katy, Harris County, TX	
	PTC	Publication: Fresno Business Journal	
	Not.Cred.	Estimated Value of Estate:	
✓	Notice of Hrg	Personal property: \$1,500,000.00	
✓	Aff.Mail	Petitioners state there is a claim against Daniel J. McCann for monies taken by Mr. McCann from the decedent prior to her death filed in the matter of the John P. McCann and Elizabeth A. McCann Trust dated April 2, 1999, with Fresno Superior Court Case No. 11CEPR00871. The monies may belong to the decedent's estate. Petitioners state that Daniel J. McCann is the third named co-executor; however, his appointment as co-executor in the estate would be an irreconcilable conflict of interest.	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection. See additional pages. Probate Referee: Rick Smith <u>SEE ADDITIONAL PAGES</u>	

8A

Page 2

Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection:

- 1) California Superior Court does not have jurisdiction to probate Mrs. McCann's will.
- 2) Petitioners have delayed and waived their right to appointment as personal representatives.
- 3) Petitioners are not competent to act as personal representatives because they are wasting and neglecting any assets the probate estate may have.
- 4) Petitioners are estopped from bringing their petition, which should be abated until the trust litigation is concluded.

Authorities cited include numerous cases, statutes, treatises. See objection for facts and details. Objector states the California Court's involvement with the trust does not confer probate jurisdiction. Objector requests that the petition be denied, for costs of suit, and all other proper relief.

NEEDS/PROBLEMS/COMMENTS:

2. The Court may require declination to serve from Daniel J. McCann.
3. Petitioners request appointment without bond and state the will waives bond; however, because they are only two of the three named co-executors, and due to the extensive litigation already in existence, the Court may require bond in the amount of \$1,500,000.00. Alternatively, the Court may require waiver from appropriate relatives/beneficiaries, or authority for waiver of bond as requested. (Note: Because Petitioners are also the co-trustees of the trust, waiver may be required from trust beneficiaries.)
4. The Court may require clarification regarding Fresno Business Journal as appropriate publication with regard to Probate Code §8121(b), since the decedent did not reside here or own property here. Rather, the property that Petitioners state may be recovered is held by Daniel J. McCann, a resident of Vermont, and the Decedent was a resident of Texas.

Note to Attorney: Although the current Judicial Council form "Notice of Petition to Administer Estate" (updated 1-1-13) was used, the publication does not contain the updated language. For future petitions, please remember to note the update for publication.

Status Hearing

			JOHN P. MCCANN and COLLEEN E. DEMPSEY filed Petition for Probate of Will and Letters Testamentary and Authorization to Administer under IAEA on 5-17-13 in Fresno Superior Court.	NEEDS/PROBLEMS/COMMENTS: As of 7-17-13, nothing further has been filed. See issues at Page 8A.
	Aff.Sub.Wit.		DANIEL J. MCCANN filed Opposition on 6-21-13.	
	Verified			
	Inventory		Minute Order 6-27-13 states Mr. McFarlane will file brief by 7-19-13 regarding issues. Ms. Burnside will file response by 7-31-13. Matter continued to 7-23-13 9:00 am, set on 7-23-13 9:00 am for status.	
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 7-17-13
				Updates:
				Recommendation:
				File 8B – McCann

DOD: 12-21-12		JAIME VASQUEZ and CARO CARUSO , Grandson and Granddaughter of the decedent and Co-Trustees of the Rosa Haydee Lopez Living Trust dated April 3, 2011 , are Petitioners. 40 days since DOD No other proceedings I&A: \$95,000.00 (real property only) Will dated 4-3-11 devises the estate, after certain specific bequests, to The Rosa Haydee Lopez Living Trust dated April 3, 2011 . Petitioners request court determination that the decedent's 100% interest in certain real property in Reedley, CA, passes to them as co-trustees of the trust.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from 062613				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 7-17-13 Updates: Recommendation: SUBMITTED File 9 - Lopez	

Amended Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 03/28/2013		HUGO RICHARD NOROYAN,	NEEDS/PROBLEMS/COMMENTS:
		father is petitioner and requests	Note: Competing petition was filed by the
		appointment as Administrator	decedent's mother, Patricia L. English, on
		with bond set a \$1,000,000.00.	07/16/2013 and is set for hearing on 08/19/2013.
Cont. from			
	Aff.Sub.Wit.	Full IAEA - ?	1. Need Affidavit of Publication.
✓	Verified		2. Need Confidential Supplemental to Duties & Liabilities of Personal Representative.
	Inventory	Decedent died intestate.	3. #5a(3) or #5a(4) was not answered regarding a registered domestic partner.
	PTC		4. #5a(5) or #5a(6) was not answered regarding children.
	Not.Cred.		5. #5a(7) or #5a(8) was not answered regarding issue of predeceased child.
✓	Notice of Hrg	Residence: Fresno	6. Need Letters.
✓	Aff.Mail	Publication: Need	Note: If the petition is granted status hearings will be set as follows:
	Aff.Pub.		• Friday, 08/23/2013 at 9:00a.m. in Dept. 303
	Sp.Ntc.		for the filing of the Bond <u>and</u>
	Pers.Serv.	Estimated value of the Estate:	• Friday, 12/20/2013 at 9:00a.m. in Dept. 303
	Conf. Screen	Personal property \$1,000,000.00	for the filing of the inventory and appraisal <u>and</u>
	Letters		• Friday, 09/19/2014 at 9:00a.m. in Dept. 303
✓	Duties/Supp	Probate Referee: Steven Diebert	for the filing of the first account and final distribution.
	Objections		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Video Receipt		Reviewed by: LV
	CI Report		Reviewed on: 07/18/2013
	9202		Updates:
✓	Order		Recommendation:
	Aff. Posting		File 10 – Noroyan
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Age: 9		MARIA ALVAREZ-GARCIA , Maternal Grandmother, is Trustee. The First account was settled on 1-23-12. At hearing on 1-23-12, the Court set this status hearing for the filing of the next account.	NEEDS/PROBLEMS/COMMENTS: 1. Need second account current.	
DOB: 10-31-03				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7-18-13	
			Updates:	
			Recommendation:	
			File 11 - Carbajal	

Petition for Termination of Guardianship

Michael age: 7	MICHAEL RODRIGUEZ, Lanae's father, is petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with copy of the Petition for Termination of Guardianship or Declaration of Due Diligence for: <ul style="list-style-type: none"> Father (of Michael) Unknown Sara White (Mother) Paternal Grandparents (Unknown) Melvin White (Maternal Grandfather)
Lanae age: 6			
Cont. from			
Aff.Sub.Wit.	Father (of Michael): UNKNOWN		
✓ Verified	Mother: SARA WHITE – personally service on 3/21/13.		
Inventory	Paternal grandparents: Unknown		
PTC	Maternal grandfather: Melvin White		
Not.Cred.	Maternal grandmother: Gloria White – deceased.		
Notice of Hrg	x	Petitioner states: he is 29 years old, the father of Lanae Rodriguez. He will be starting a new job with In Home Supportive Services and has made changes in his home and lifestyle and is able to provide for his children. He states he knows how it feels to not have a parent in his life and he is willing to do what it takes.	
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report		Court Investigator Jennifer Daniel's report filed 07/16/2013.	
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 07/18/2013
			Updates:
			Recommendation:
			File 12 – White & Rodriguez

Age: 8		TEMP GRANTED EX PARTE; EXPIRES 07/23/13	NEEDS/PROBLEMS/COMMENTS: This Petition pertains to Haylee only. See page 13B for Petition pertaining to Madison.
		TERESA RODRIGUEZ , Paternal Aunt, is Petitioner.	
Cont. from		Father: RODRIGO MARROQUIN – Consent & Waiver of Notice filed 06/21/13	
	Aff.Sub.Wit.		
✓	Verified	Mother: MARINA J. MARROQUIN - Consent & Waiver of Notice filed 05/20/13	
	Inventory		
	PTC	Paternal Grandfather: Manuel Marroquin - Deceased Paternal Grandmother: Audina Sagrero – Served by mail on 05/23/13	
	Not.Cred.		
✓	Notice of Hrg	Maternal Grandfather: Unknown – Declaration of Due Diligence filed 06/21/13 Maternal Grandmother: Jenny Echeveria – Deceased per Declaration of Due Diligence filed 06/21/13	
✓	Aff.Mail		
	Aff.Pub.	Siblings: Not listed	
	Sp.Ntc.		
	Pers.Serv.	n/a	
✓	Conf. Screen	Petitioner states they attended a staffing with the county and Haylee was placed in her care. Six of the children continue in the care of their mother. Madison was placed with Petitioner's sister (Page 13B). The mother is having second thoughts about having agreed to have Haylee placed in Petitioner's care. Petitioner wants to keep Haylee safe and requests guardianship. The mother is abusing drugs and neglects the children by selling their food stamps and misusing their money.	
✓	Letters		Court Investigator Jo Ann Morris filed a report on 07/16/13.
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: JF

Reviewed on: 07/18/13

Updates:

Recommendation:

File 13A – Marroquin

13A

Age: 5		<u>TEMP GRANTED EX PARTE;</u>		NEEDS/PROBLEMS/COMMENTS: This Petition pertains to Madison only. See Page 13A for Petition pertaining to Haylee. .
		<u>EXPIRES 07/23/13</u>		
		IRMA OLIVAREZ , Paternal Aunt, is Petitioner.		
		Father: RODRIGO MARROQUIN – Consent & Waiver of Notice filed 06/21/13		
Cont. from		Mother: MARINA J. MARROQUIN		
<input type="checkbox"/>	Aff.Sub.Wit.		- Consent & Waiver of Notice filed 05/20/13	
<input checked="" type="checkbox"/>	Verified		Paternal Grandfather: Manuel Marroquin - Deceased	
<input type="checkbox"/>	Inventory		Paternal Grandmother: Audina Sagrero – Served by mail on 05/23/13	
<input type="checkbox"/>	PTC		Maternal Grandfather: Unknown – Declaration of Due Diligence filed 06/21/13	
<input type="checkbox"/>	Not.Cred.		Maternal Grandmother: Jenny Echeveria – Deceased per Declaration of Due Diligence filed 06/21/13	
<input checked="" type="checkbox"/>	Notice of Hrg		Siblings: Not listed	
<input checked="" type="checkbox"/>	Aff.Mail	w/	Petitioner states the parents are abusing drugs and the children are being neglected. The house is filthy, dirty dishes, dirty clothing, rats. Money obtained for the children is misused and their food stamps are sold. Nevertheless, the mother was allowed to keep six of their eight children. Madison was allowed to come with this Petitioner and Haylee was allowed to go with the Petitioner at Page 13A. The mother is not happy with the decision and wants the girls back in her care.	
<input type="checkbox"/>	Aff.Pub.		Court Investigator Jo Ann Morris filed a report on 07/16/13.	
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	n/a		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 07/18/13
Updates:
Recommendation:
File 13B – Marroquin

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 9		<u>TEMPORARY GRANTED EX PARTE;</u> <u>EXPIRES 07/23/13</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Julia Ramirez (mother)
		<u>GENERAL HEARING 09/09/13</u>	
Cont. from		ANTONIO GARCIA , step-father, is Petitioner. Father: JUVENITO CHAVEZ – Consent & Waiver of Notice filed 07/09/13 Mother: JULIA RAMIREZ Paternal grandfather: PABLO CHAVEZ CASTRO Paternal grandmother: NATALIA SOSA Maternal grandfather: PETE RAMIREZ – deceased Maternal grandmother: MARIA MORALES Siblings: MELISSA GARCIA, JULISSA GARCIA	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner alleges that Natalie has lived in his home for the past 7 years. Her father is not currently stable and unable to care for her and her mother is a known alcoholic and drug user. On 07/08/13 while Petitioner was at work, the mother came and picked up all of the girls from Petitioner's home. Petitioner has custody of Natalie's two sisters, but not Natalie so he was not able to pick her back up from her mother. Petitioner alleges that the mother has been physically abusive, lives in an unsafe neighborhood and associates with known drug users and people of bad character. Petitioner alleges that the mother smokes crystal ice on a daily basis and has smoked with the children in the home. Petitioner fears for Natalie's safety and request temporary guardianship so that he can remove her from that environment as soon as possible.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF Reviewed on: 07/19/13 Updates: Recommendation: File 14 – Ramirez	

Petition for Termination of Guardianship

Age: 13		CRYSTAL L. AGUILAR, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 07/16/13</u> 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Jose Francisco (father) - Elias Francisco (paternal grandfather) - Irma Francisco (paternal grandmother) - Griselda Cavazos (maternal grandmother)
		JOEL ALVARADO and ELIZABETH ALVARADO, maternal grandfather and step-grandmother, were appointed Co-Guardians of the Person on 08/23/12. – <i>Consent & Waiver of Notice</i> signed 05/06/13	
Cont. from 071613			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Father: JOSE FRANCISCO	
		Paternal grandfather: ELIAS FRANCISCO Paternal grandmother: IRMA FRANCISCO	
		Maternal grandmother: GRISELDA CAVAZOS	
		Petitioner states that the guardianship was only supposed to be temporary and she would like Carmen to come back to live with her so she can be around her siblings and so that their family will be complete. Petitioner states that she has moved since the guardianship was established to a new town and Carmen will go to a new school and she is sure Carmen will excel at the new school.	
		Court Investigator Julie Negrete filed a report on 07/10/13.	
			Reviewed by: JF
			Reviewed on: 07/18/13
			Updates:
			Recommendation:
			File 15 – Francisco

Age: 18		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		JOHN and APRIL BUTTERFIELD , Parents, are Petitioners and request appointment as Co-Conservators of the Person only.	<u>OFF CALENDAR</u>
Cont. from 062513, 071613		Petitioners also request orders authorizing independent exercise of powers under Probate Code §2590.	Amended petition filed 7-2-13 is set for hearing on 8-8-13.
	Aff.Sub.Wit.		<u>Court Investigator advised rights on 6-12-13</u>
✓	Verified		<u>Voting rights affected</u> - <u>Need minute order</u>
	Inventory		<u>Minute Order 6-25-13:</u> Petitioners inform the Court that they do want medical consent powers. The Court advises Petitioners to fix defects on the Examiner Notes. 1. Petitioners request powers under Probate Code §2590; however, do not request conservatorship of the estate or provide any explanation of the situation that necessitates such powers. Need clarification. 2. Petitioners do not request medical consent powers under Probate Code §2355; however, a capacity declaration was provided that indicates that such powers might be appropriate. Need clarification. If medical consent powers are to be considered, the Court may require amended petition and service on the proposed Conservatee.
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
		VOTING RIGHTS AFFECTED	
		A capacity declaration was filed 5-15-13.	
		Petitioners state the proposed Conservatee was diagnosed with Fragile X Syndrome at age 3. He remains low-functioning and is likely to remain that way indefinitely. He is indifferent to his physical health and will not obtain proper nutrition or hydration without constant supervision. He pays almost no heed to personal safety and has entered roadways without watching for traffic. He is unable to interact appropriately with other people and often fails to remember who people are unless he sees them daily. Although he is good at basic arithmetic, he does not comprehend money. He does not make independent decisions and will simply do what he is told.	
		Court Investigator Julie Negrete filed a report on 6-18-13.	
			Reviewed by: skc
			Reviewed on: 7-11-13
			Updates:
			Recommendation:
			File 16 – Butterfield